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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. CR 09-01168-JF
)	
Plaintiff,)	STIPULATION AND [PROPOSED]
)	ORDER VACATING PRETRIAL
v.)	CONFERENCE AND TRIAL DATES,
)	SETTING STATUS HEARING, AND
JAMES NELSEN and)	EXCLUDING TIME FROM MARCH 18,
JANE NELSEN,)	2011 TO MARCH 24, 2011 FROM THE
)	SPEEDY TRIAL ACT CALCULATION
Defendant.)	(18 U.S.C. § 3161(h)(7)(A))
)	
)	

On March 11, 2011, the parties are scheduled to appear for a pretrial conference hearing before this Court. On March 18, 2011, trial in the above-captioned matter is scheduled to begin. Now the parties request that this Court vacate both of the above dates and set this matter on March 24, 2011, or soon thereafter at the Court's convenience, for a possible disposition/trial setting hearing. This request is made for two reason: First, defense counsel for Mr. Nelsen is unavailable on March 11 to attend the currently scheduled pretrial conference. Second, the parties are in the process of negotiating a potential disposition of this matter. The additional two weeks will be useful in that effort.

1 The parties stipulate that the time between the current trial date, March 18, 2011, and the
2 possible disposition/trial setting hearing, herein proposed for March 24, 2011, is excluded under
3 the Speedy Trial Act, 18 U.S.C. §3161, and agree that the failure to grant the requested
4 continuance would unreasonably deny each defense counsel reasonable time necessary for
5 effective preparation, taking into account the exercise of due diligence. Finally, the parties agree
6 that the ends of justice served by granting the requested continuance outweigh the best interest of
7 the public, and the defendants in a speedy trial and in the prompt disposition of criminal cases.
8 18 U.S.C. §3161(h)(7)(A).

9
10 DATED: March 9, 2011

MELINDA HAAG
United States Attorney

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12 /s/
JEFFREY B. SCHENK
13 Assistant United States Attorney

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15 /s/
NICHOLAS HUMY
16 Attorney for Defendant James Nelsen

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19 /s/
THOMAS FERRITO
20 Attorney for Defendant Jane Nelsen

ORDER

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that the current pretrial conference date of March 11, 2011 and the current trial date of March 18, 2011, in the above-captioned matter, both be vacated. The Court HEREBY ORDERS the parties to appear on March 24, 2011 at 9:00AM for a potential disposition hearing or in the alternative a trial setting hearing. The court finds that the failure to grant the requested continuance would unreasonably deny each defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Furthermore, the Court finds that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendants in a speedy trial and in the prompt disposition of criminal cases. The court therefore concludes that this exclusion of time should be made under 18 U.S.C. §3161(h)(7)(A).

IT IS SO ORDERED.

DATED: 3/9/11



JEREMY FOGEL
UNITED STATES DISTRICT JUDGE